

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:07-1014-JFA
)	
v.)	ORDER
)	
DEVIN SISTRUNK)	
)	
_____)	

The defendant has moved to have his sentence reduced pursuant to United States Sentencing Guideline 5G1.3(b). He contends that he was placed on home detention prior to his guilty plea and stayed on home detention for a total of 19 months. He argues that this 19-month period should be deducted from the active sentence of incarceration imposed by this court.

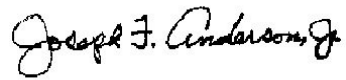
Because the defendant's motion is challenging the calculation of his sentence, it is governed by the provisions of 28 U.S.C. § 2241. That section requires that the defendant first exhaust his administrative remedies before pursuing an action in this court. For this reason, the court must dismiss this motion without prejudice.

The defendant is hereby apprised that he must file an administrative grievance within the Federal Bureau of Prisons seeking a modification of his sentence. If the defendant is unsatisfied with the decision made by the BOP officials, the defendant may then return to this court with a petition under § 2241 seeking to have this court correct some error in the calculation of his sentence. The court expresses no opinion whatsoever as to the merits of

the claim asserted in the defendant's motion. For the reasons indicated above, the defendant's motion for sentence reduction (ECF No. 1018) is denied without prejudice.

IT IS SO ORDERED.

December 6, 2011
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge